

IC 10-13-8

Chapter 8. Blue Alert Program

IC 10-13-8-1

"Blue alert"

Sec. 1. As used in this chapter, "blue alert" means the transmission of information about a law enforcement officer who is killed, seriously injured, or missing in the line of duty under a blue alert program.

As added by P.L.38-2013, SEC.1.

IC 10-13-8-2

"Blue alert program"

Sec. 2. As used in this chapter, "blue alert program" means a program in which the department transmits information about a law enforcement officer who is killed, seriously injured, or missing in the line of duty to broadcasters and electronic billboard operators who:

- (1) have agreed to participate in the program; and
- (2) immediately and repeatedly broadcast the information to the general public.

As added by P.L.38-2013, SEC.1.

IC 10-13-8-3

"Broadcaster"

Sec. 3. As used in this chapter, "broadcaster" means the operator of a radio or television station.

As added by P.L.38-2013, SEC.1.

IC 10-13-8-4

"Law enforcement agency"

Sec. 4. As used in this chapter, "law enforcement agency" means an agency or department of the state or a political subdivision that:

- (1) has jurisdiction over the search for a suspect in a case involving the death or serious injury of a law enforcement officer; or
- (2) employs a law enforcement officer who is missing in the line of duty.

As added by P.L.38-2013, SEC.1.

IC 10-13-8-5

"Law enforcement officer"

Sec. 5. As used in this chapter, "law enforcement officer" means any of the following:

- (1) A state police officer.
- (2) A county sheriff.
- (3) A county police officer.
- (4) A correctional officer.
- (5) An excise police officer.

- (6) A county police reserve officer.
- (7) A city police officer.
- (8) A city police reserve officer.
- (9) A conservation enforcement officer.
- (10) A town marshal.
- (11) A deputy town marshal.
- (12) A probation officer.
- (13) A state educational institution police officer appointed under IC 21-39-4.
- (14) A gaming agent of the Indiana gaming commission.
- (15) A person employed by a political subdivision (as defined in IC 36-1-2-13) and appointed as a special deputy under IC 36-8-10-10.6.
- (16) A school corporation police officer appointed under IC 20-26-16.
- (17) A police officer of a public or private postsecondary educational institution whose board of trustees has established a police department under IC 21-17-5-2 or IC 21-39-4-2.

As added by P.L.38-2013, SEC.1.

IC 10-13-8-6

Operation of blue alert program

Sec. 6. The department shall operate a blue alert program.

As added by P.L.38-2013, SEC.1.

IC 10-13-8-7

Authority to issue blue alert

Sec. 7. A blue alert may be issued by the department if:

- (1) requested by a law enforcement agency; and
- (2) the department makes the determination required under section 8 of this chapter.

As added by P.L.38-2013, SEC.1.

IC 10-13-8-8

Grounds for issuing blue alert

Sec. 8. (a) The department may issue a blue alert only if the department determines that:

- (1) a law enforcement officer:
 - (A) has been killed or seriously injured while in the line of duty and:
 - (i) the suspect has not been apprehended; and
 - (ii) the suspect poses an imminent threat to the public or other law enforcement personnel; or
 - (B) is missing while in the line of duty under circumstances warranting concern for the officer's safety;
- (2) disseminating information to the public may assist in:
 - (A) identifying and apprehending the suspect; or
 - (B) locating the missing law enforcement officer; and

(3) there is sufficient information for dissemination to the public regarding:

(A) the missing law enforcement officer's last known location; and

(B) the physical description of any:

(i) suspect; or

(ii) vehicle involved or the vehicle's license plate number.

(b) The department shall determine the geographic boundaries of the area in which the blue alert shall be issued.

(c) Before a blue alert may be issued, the law enforcement agency requesting the alert shall provide information to the department that is required by the guidelines adopted by the department under section 10 of this chapter.

As added by P.L.38-2013, SEC.1.

IC 10-13-8-9

Agreements with program participants

Sec. 9. (a) The department may enter into an agreement with one (1) or more:

(1) broadcasters; or

(2) electronic billboard operators;

to issue blue alerts under a blue alert program established under this chapter.

(b) The superintendent shall designate staff responsible for the operation of the blue alert program.

As added by P.L.38-2013, SEC.1.

IC 10-13-8-10

Program operating guidelines

Sec. 10. The department shall adopt guidelines for the operation and administration of the blue alert program, including the following:

(1) Procedures for a law enforcement agency to notify the department of the circumstances described in section 8(a)(1) of this chapter.

(2) The information that a law enforcement agency must provide to the department before issuing a blue alert.

(3) Procedures for the department to follow in confirming a law enforcement agency's information and reporting the information to each designated broadcaster or electronic billboard operator.

(4) Guidelines governing the voluntary blue alert program agreement between the department and a broadcaster. The agreement may include the following provisions:

(A) Upon receiving a notification as part of the blue alert program, the broadcaster shall broadcast the information contained in the notice on an intermittent basis for a period of time as provided in the agreement between the department and the broadcaster.

(B) The broadcaster shall treat the blue alert notification as

an emergency.

(C) The broadcaster shall ensure that the facsimile transmission machine or other communication device used to receive a blue alert notification is:

- (i) generally available to receive a blue alert notification; and
- (ii) located such that the broadcaster will immediately become aware of an incoming blue alert notification.

(5) Guidelines governing the voluntary blue alert program agreement between the department and an electronic billboard operator. The agreement may include the following provisions:

(A) Upon receiving a notification as part of the blue alert program, the electronic billboard operator shall display the information contained in the notice on an intermittent basis for a period of time as provided in the agreement between the department and the electronic billboard operator.

(B) The electronic billboard operator shall treat the blue alert notification as an emergency.

(C) The electronic billboard operator shall ensure that the facsimile transmission machine or other communication device used to receive a blue alert notification is:

- (i) generally available to receive a blue alert notification; and
- (ii) located such that the electronic billboard operator will immediately become aware of an incoming blue alert notification received during days and times when staff is present to receive a blue alert notification.

(D) A limitation on the days and times that the electronic billboard operator is required to have staff present to receive a blue alert notification.

(6) The guidelines may require department staff, upon a determination by the department to issue a blue alert, to immediately send by facsimile transmission or other means of communication the information that the department considers necessary to one (1) or more electronic billboard operators participating in the blue alert program if the blue alert occurs during a period when the electronic billboard operator has agreed to have staff present to receive a blue alert notification.

(7) Guidelines to ensure that releasing victim information is proper, as to avoid improper next of kin notification.

(8) Guidelines to ensure that release of the information will not compromise the investigation.

As added by P.L.38-2013, SEC.1.

IC 10-13-8-11

Program participant duty to broadcast or display blue alert

Sec. 11. A broadcaster or an electronic billboard operator participating in the blue alert program shall immediately display the

information that the department considers necessary to the general public in accordance with the blue alert program agreement between the department and the broadcaster or operator.

As added by P.L.38-2013, SEC.1. Amended by P.L.2-2014, SEC.52.

IC 10-13-8-12

Civil immunity for broadcast or display of blue alert

Sec. 12. (a) A broadcaster or electronic billboard operator that has agreed to participate in the blue alert program and that:

- (1) receives a blue alert notification from the department; and
- (2) broadcasts or displays information contained in the notification that the department considers necessary;

is immune from civil liability based on the broadcast or display of the information received from the department.

(b) If:

- (1) a person enters into an agreement with the department to establish or maintain a blue alert web site; and
- (2) the agreement provides that only the department has the ability to place information on the web site;

the person is immune from civil liability for the information placed on the web site by the department. However, this subsection does not affect the applicability of IC 34-13-3 to the department.

As added by P.L.38-2013, SEC.1.

IC 10-13-8-13

Notifying department of apprehension of suspect or location of missing officer

Sec. 13. A law enforcement agency that locates or apprehends the suspect or locates the missing law enforcement officer described in section 8(a)(1) of this chapter shall notify the department as soon as practicable.

As added by P.L.38-2013, SEC.1. Amended by P.L.2-2014, SEC.53.

IC 10-13-8-14

Grounds for terminating a blue alert

Sec. 14. The department shall terminate a blue alert if:

- (1) the suspect or missing law enforcement officer is located or the incident is otherwise resolved; or
- (2) the department determines that the blue alert system is no longer an effective tool for locating the suspect or the missing law enforcement officer.

As added by P.L.38-2013, SEC.1.

IC 10-13-8-15

Report to National Crime Information Center

Sec. 15. When a blue alert is issued, the law enforcement agency that requests the blue alert shall report information regarding the circumstances described in section 8(a)(1) of this chapter to the

National Crime Information Center (NCIC) data base.
As added by P.L.38-2013, SEC.1.

IC 10-13-8-16

Federal emergency alert system

Sec. 16. This chapter does not authorize the use of the federal emergency alert system unless otherwise authorized by federal law.
As added by P.L.38-2013, SEC.1.